

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CARLITO MENDOZA,

**Plaintiff,**

VS.

KINDRED HEALTHCARE OPERATING,  
INC., et al.,

## Defendants.

Case No.: C-11-00666-YGR

**ORDER REGARDING PLAINTIFF'S  
OPPOSITION TO DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT AND SUPPORTING  
PAPERS**

KINDRED HEALTHCARE OPERATING,  
INC., et al.,

## Defendants.

Plaintiff filed his Opposition to Defendants' Motion for Summary Judgment or, in the alternative, Summary Adjudication and supporting papers on April 24, 2012. (Dkt. Nos. 42-47.) Defendants' Opposition papers fail to comply with this Court's Standing Order in Civil Cases ("Standing Order") and the Civil Local Rules in a number of respects.

With respect to Dkt. No. 44 (Plaintiff’s Separate Statement of Undisputed Facts in Support of Plaintiff’s Opposition to Defendants’ Motion for Summary Judgment or in the Alternative, Summary Adjudication (“Separate Statement of Undisputed Facts”)), the Court’s Standing Order permits an opposing separate statement “no more than five (5) additional pages beyond the number of pages in the opening statement.” Plaintiff’s Separate Statement of Undisputed Facts exceeds five pages. Plaintiff may file an amended Separate Statement of Undisputed Facts in support of his Opposition by Monday, May 7, 2012 at 5:00 p.m. that reduces the document length down to five pages or less. The amended document may not contain any *new* facts and shall consist of only facts previously stated. If Plaintiff does not file an amended Separate Statement of Undisputed Facts by May 7 at 5:00 p.m., the Court will **STRIKE** pages 7–9 of the previously filed Separate Statement of Undisputed Facts at Dkt. No. 44. Any claimed undisputed facts contained within those pages will not be considered by the

1 Court. Additionally, Plaintiff's counsel has failed to provide the attestation required in the Standing  
2 Order at Section 9(c). Counsel is **ORDERED** to file an attestation with the amended Separate  
3 Statement of Undisputed Facts in compliance with the Standing Order by Monday, May 7, 2012 at  
4 5:00 p.m. If no such amended document is filed, counsel shall file an attestation as to the previous  
5 document.

6 With respect to Dkt. No. 45 (Plaintiff's Response to Defendants' Separate Statement of  
7 Undisputed Facts in Support of Plaintiff's Opposition to Defendants' Motion for Summary Judgment  
8 or in the Alternative, Summary Adjudication), Plaintiff's counsel has again failed to provide the  
9 required attestation referenced above. Counsel is **ORDERED** to file an attestation with regard to this  
10 document by Monday, May 7, 2012 at 5:00 p.m.

11 With respect to Dkt. No. 46 (Plaintiff's Objections to Evidence in Support of Plaintiff's  
12 Opposition to Defendants' Motion for Summary Judgment or in the Alternative, Summary  
13 Adjudication), the Court hereby **STRIKES** this document for failure to comply with Civil Local Rule  
14 7-3. The Local Rule, which applies to oppositions and replies to a motion, requires that "[a]ny  
15 evidentiary and procedural objections to the motion must be contained within the brief or  
16 memorandum." As such, the Court will not respond to the objections raised therein.

17 **IT IS SO ORDERED.**

18 Dated: May 4, 2012  
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21 **YVONNE GONZALEZ ROGERS**  
22 **UNITED STATES DISTRICT COURT JUDGE**

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